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ARIZONA CORPORATION COMMISSION

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August 22, 2001

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THIRD DRAFT - PROPOSED RULES

AZ CORP COMMISSION
DOCKET CONTROL

To: Interested Parties

RE: Slamming/Cramming Rules - Docket No. RT 00000J-99-0034

Enclosed is a revised draft of the proposed Slamming and Cramming rules for your review and comment. This draft incorporates portions of the August 6, 2001 written comments from interested parties.

Staff will be hosting another workshop with all interested parties on **Thursday, August 30th from 9:00 a.m. to 12:00 p.m.** in the Pipeline Safety Conference Room of the Arizona Corporation Commission to discuss this draft of the proposed rules.

Staff is encouraging all interested parties to provide comments and input. Please review these proposed rules and file an original and ten copies of your comments with Docket Control on or before **Thursday, August 30th**.

Again, thank you for your participation in the development of these important consumer protection rules. Staff knows that your input is valuable and is looking forward to continue working with you.

Sincerely,

Steve Olea
Acting Director, Utilities Division

SMO:mi
Enclosure

cc. Chairman William A. Mundell
Commissioner Jim Irvin
Commissioner Marc Spitzer
Docket Control
All Telecommunications Providers Certificated in Arizona
Arizona Consumer Groups
Paul Bullis, Chief Counsel, Public Advocacy Section
Office of the Attorney General

Arizona Corporation Commission

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ARTICLE 19. CONSUMER PROTECTIONS FOR UNAUTHORIZED CARRIER CHANGES

R14-2-1901.	Definitions
R14-2-1902.	Purpose and Scope
R14-2-1903.	Application
R14-2-1904.	Authorized Telecommunications Company Change Procedures
R14-2-1905.	Verification of Orders for Telecommunications Service
R14-2-1906.	Notice of Change
R14-2-1907.	Unauthorized Charges
R14-2-1908.	Notice of Subscriber Rights
R14-2-1909.	Customer Account Freeze
R14-2-1910.	Complaint Process
R14-2-1911.	Compliance and Enforcement
R14-2-1912.	Waivers

R14-2-1901. Definitions

- A. "Authorized Carrier" means any telecommunications company that submits, on behalf of a subscriber, a change in the subscriber's selection of a provider of telecommunications service, with the subscriber's authorization verified in accordance with the procedures specified in these rules.
- B. "Complainant" means a subscriber who applies to the Arizona Corporation Commission for legal redress by filing an informal or formal complaint.
- C. "Customer" means the person or entity in whose name service is rendered, as evidenced by the signature on the application or contract for service, or by the receipt or payment of bills regularly issued in their name regardless of the identity of the actual user of service as defined by R14-2-501(9).
- D. "Customer Account Freeze" means an authorization, whether written, electronic, or Internet with electronic signature authorization or third party verification, from a subscriber to impose a stay on any change in telecommunications services.
- E. "Executing Telecommunications Carrier" means a telecommunications company that effects a request that a subscriber's telecommunications company be changed.
- F. "Letter of Agency" ("LOA") means written authorization, including Internet enabled with electronic signature, from a subscriber for a change in telecommunications carrier.
- G. "Slamming" means any change in a subscriber's presubscription to a telecommunications service subject to the jurisdiction of the Commission which is made without appropriate consent of the subscriber.
- H. "Subscriber" means the customer identified in the account records of a common carrier; any adult person authorized by such customer to change telecommunications services or to charge services to the account; or any person contractually or otherwise lawfully authorized to represent such customer.
- I. "Telecommunications Company" means a public service corporation, as defined in the Arizona Constitution, Article 15, § 2, that provides telecommunications services within the state of Arizona and over which the Commission has jurisdiction.

- J. "Unauthorized Change" means a change in a telecommunications company submitted on behalf of a subscriber which was not authorized by the subscriber or verified in accordance with R14-2-1905.

R14-2-1902 Purpose and Scope

These rules are intended to ensure that all customers in this state are protected from an unauthorized change in a customer's intraLATA, or interLATA long-distance telecommunications company. The rules promote satisfactory service to the public by local and intraLATA or interLATA long-distance telecommunications companies by establishing the rights and responsibilities of both company and customer. Liability standards and penalties are established to ensure compliance.

R14-2-1903. Application

These rules, including any references to the requirements in 47 C.F.R. 64.1100 and 47 C.F.R. 64.1150, apply to each telecommunications company as that term is defined in A.A.C. R14-2-1102.15. These rules do not apply to providers of wireless, cellular, personal communications services or commercial radio services, until such time as those telecommunications companies are mandated by law to provide equal access or local number portability.

R14-2-1904. Authorized Telecommunications Company Change Procedures

- A. No telecommunications company shall submit a change on behalf of a subscriber prior to obtaining authorization from the subscriber and obtaining verification of that authorization in accordance with R14-2-1905 of this rule.
- B. The telecommunications company submitting a change shall maintain and preserve records of verification of subscriber authorization for a minimum period of 12 months.
- C. A telecommunications company executing a change shall not contact the subscriber to verify the subscriber's selection that was received from a submitting telecommunications company.
- D. A telecommunications company executing a change shall execute such changes as promptly as reasonable business practices will permit. The executing telecommunications company shall have no liability for processing an unauthorized change.
- E. Where a telecommunications company is selling more than one type of services (local, intraLATA, interLATA), it shall obtain authorization from the subscriber for all services sold during a single contact.

R14-2-1905. Verification of Orders for Telecommunications Service

- A. No telecommunications company shall submit a telecommunications company change order until the order has first been confirmed in accordance with one of the following:
 - 1. The telecommunications company has obtained the subscriber's written authorization, including Internet enabled authorization with electronic signature, in a form that meets the requirements of this Section; or
 - 2. The telecommunications company has obtained the subscriber's electronic or voice-recorded authorization to submit the telecommunications company change order that meets the requirements of the Section; or
 - 3. An independent third party qualified under the criteria set forth in subsection D obtained and recorded the subscriber's verbal authorization to submit the telecommunications

company change order that confirms and includes appropriate verification data pursuant to the requirements of this Section.

B. Written authorization obtained by a telecommunications company shall:

1. Be a separate document containing only the authorizing language in accordance with verification procedures of this Section;
2. Have the sole purpose of authorizing a telecommunications company change;
3. Be signed and dated by the subscriber requesting the telecommunications company change;
4. Not be combined with any inducement, except a letter of agency may be combined with a marketing check. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, boldface type on the front of the check a notice that the subscriber is authorizing a telecommunications company change by signing the check. This language shall be placed near the signature line of the back on the check.
5. Be written in the same language as used in the underlying sales transaction.
6. Electronically signed letters of agency (Internet LOAs) are valid written authorization.

C. A telecommunications company that obtains a subscriber's electronic voice recorded authorization shall confirm the customer identification and service change information. If a telecommunications company elects to confirm sales by electronic voice recorded authorization, it shall establish one or more toll-free telephone numbers exclusively for that purpose. A call to the toll-free number shall connect a subscriber to a recording mechanism that shall record the information required regarding the telecommunications company change, including automatically recording the originating automatic number identification information, if that information is available.

D. A telecommunications company that obtains a subscriber's authorization verified by an independent third party shall comply with the following:

1. The independent third party shall not be owned, managed, controlled, or directed by the telecommunications company or the company's marketing agent;
2. The independent third party shall not have any financial incentive to confirm preferred telecommunications company change orders for the company or the company's marketing agents;
3. The independent third party shall operate in a location physically separate from the telecommunications company or the company's marketing agent;
4. The independent third party shall inform the subscriber that the call is being recorded and record their authorization to change telecommunications companies;
5. All third party verification methods shall elicit, at a minimum:
 - a. The identity of the subscriber;
 - b. Confirmation that the person on the call is authorized to make the telecommunications company change; and
 - c. Confirmation that the person on the call wants to make the telecommunications company change;
 - d. The names of the telecommunications companies affected by the change;
 - e. The telephone numbers to be switched; and
 - f. The types of service involved.
6. All third party verifications shall be conducted in the same language that was used in the sales transaction.

R14-2-1906. Notice of Change

When an authorized carrier has changed a subscriber's service, the company, or its billing and collection agent, on its behalf, shall clearly and conspicuously identify any change in service provider, including the name of the new telecommunications company, their address and telephone number.

R14-2-1907. Unauthorized Changes

- A. A subscriber shall promptly notify the telecommunications company of any unauthorized change.
- B. Once a subscriber notifies the telecommunications company that the subscriber's service arrangement was changed without verification consistent with these rules, it is the responsibility of the telecommunications company submitting the unauthorized change to:
 - 1. Take all actions within its control to facilitate the subscriber's return to the original telecommunications company as promptly as reasonable business practices will permit, but no later than 5 business days from the date of the subscriber's notification.
- C. Once a determination has been made that slamming has occurred, the unauthorized telecommunications company shall:
 - 1. Pay all charges associated with returning the subscriber to the original telecommunications company as promptly as reasonable business practices will permit, but no later than 30 business days from the date of such determination.
 - 2. Provide all billing records related to the unauthorized change of services to the original telecommunications company within 10 business days of the subscriber's request;
 - 3. Absolve the subscriber of all charges incurred during the first 60 days of service provided by the unauthorized carrier if a subscriber has not paid charges to the unauthorized carrier,
 - 4. Forward the relevant billing information to the authorized carrier, who has the right to bill the subscriber for those services at the authorized rates, if a subscriber incurred charges for the service provided after the first 60 days,
 - 5. Refund 150% of the unauthorized charges to the authorized carrier, if a subscriber has paid charges to the unauthorized carrier, and it is the authorized carrier's responsibility to forward the credit of 150% of the charges to the subscriber,
 - 6. Remove all unauthorized charges from the subscriber's account.
- D. Unless a dispute regarding unauthorized charges is ultimately resolved against a subscriber a billing telecommunications company shall not:
 - 1. Suspend, disconnect, or terminate telecommunications service to any subscriber who disputes any billing charge pursuant to this section or for nonpayment of an unauthorized charge, or
 - 2. File an unfavorable credit report against a subscriber who has not paid charges that the subscriber has alleged were unauthorized,
- E. The customer shall remain obligated to pay any charges that are not in dispute.
- F. The telecommunications company shall maintain and preserve records of unauthorized change complaints for a minimum period of 12 months.

R14-2-1908. Notice of Subscriber Rights

- A.** Each telecommunications company shall provide to its subscribers notice of the subscriber's rights regarding unauthorized changes and charges.
- B.** The subscriber notice shall state:
 - 1. The name, address and telephone numbers where a subscriber can contact the telecommunications company.
 - 2. A telecommunications company is prohibited from changing a telephone service to another company without the subscriber's permission,
 - 3. An unauthorized telecommunications company changing a telephone service without the subscriber's permission is guilty of slamming and is required to return the service back to the subscriber's original provider;
 - 4. An unauthorized telecommunications company that has switched a telephone service without the subscriber's permission is required to pay all charges associated with returning the customer to the original telephone company as promptly as reasonable business practices will permit, but no later than 30 business days from the subscriber's request.
 - 5. If a subscriber has not paid charges to the unauthorized carrier, the subscriber shall be absolved of all charges incurred during the first 60 days of service provided by the unauthorized carrier.
 - 6. If a subscriber incurred charges for service provided after the first 60 days, the unauthorized carrier shall forward the relevant billing information to the authorized carrier, who has the right to bill the customer for those services at the authorized rates.
 - 7. If a subscriber has paid charges to the unauthorized carrier, upon a determination that slamming has occurred, the unauthorized carrier must pay 150% of the charges to the authorized carrier, and it is the authorized carrier's responsibility to forward the 150% credit to the customer.
 - 8. A subscriber that has been slammed can contact the original telephone company to request the service be changed back in accordance with R14-2-1907.
 - 9. A subscriber who has been slammed should report the unauthorized change to the Arizona Corporation Commission.
 - 10. The name, address, web site address, and telephone number of the Arizona Corporation Commission.
 - 11. To prevent being slammed, a subscriber can request that a preferred telecommunications company place a freeze on its telephone service account.
- C.** A telecommunications company shall send the notice described in this Section to new customers at the time service is initiated, and at anytime upon subscriber request.
- E.** Each telecommunications company that publishes a telephone directory shall print the notice described in this Section in the white pages of each of its annual telephone directory subsequent to adoption of these rules.
- F.** Each telecommunications company with a web site shall display the notice on the company's web site subsequent to adoption of these rules.
- G.** The notice shall be in both English and Spanish to inform the subscriber.

R14-2-1909. Customer Account Freeze

- A. A Customer Account Freeze ("freeze") prevents a change in a subscriber's intraLATA and interLATA telecommunications company selection unless the subscriber gives consent to the local exchange company that implemented the freeze.
- B. All local exchange companies that offer a freeze shall do so on a nondiscriminatory basis to all subscribers.
- C. Subscriber information on a freeze shall clearly distinguish between intraLATA and interLATA telecommunications services.
- D. All information provided by a telecommunications company regarding a freeze shall have the sole purpose of educating subscribers and providing information in a neutral way to allow the subscriber to make an informed decision, and shall not market or induce the subscriber to request a freeze.
- E. A local exchange company shall not implement a customer account freeze unless authorization is written, electronic, Internet enabled with electronic signature, or verbal with third party verification.
- F. A subscriber may remove the freeze on its account with written, electronic, Internet enabled with electronic signature, or verbal authorization with third party verification.
- G. A telecommunications company may charge the customer for imposing or removing a freeze, subsequent to the company obtaining Commission approval of such a tariff.
- H. A local exchange company shall not impose a freeze on intraLATA or interLATA telecommunications on its own initiative.
- I. A local exchange company shall maintain records of all freeze authorizations and repeals for a period of 12 months.

R14-2-1910. Complaint Process

- A. An informal complaint may be in writing or telephonically or electronically transmitted. Information should include:
 - 1. Complainant's name, address, telephone number and e-mail if possible;
 - 2. The names of the alleged unauthorized telecommunications company, the authorized telecommunications company and the executing telecommunications company;
 - 3. The date of the alleged unauthorized change, if known;
 - 4. A statement of facts, including documentation to support the complainant's allegation;
 - 5. A statement of whether the complainant has paid any disputed charges; and
 - 6. The specific relief sought.
- B. Staff of the Arizona Corporation Commission shall:
 - 1. Assist the complainant in resolving the complaint.
 - 2. Notify the executing telecommunications company, authorized telecommunications company, and alleged unauthorized telecommunications company of the alleged unauthorized change.
 - 3. Request the alleged unauthorized telecommunications company provide an initial response within 5 business days.
 - 4. Request the alleged unauthorized telecommunications company to provide documentation of the subscriber's written, Internet authorization or recorded third party verification. Such information shall be provided to Staff within 10 business days of the initial notification or a valid presumption shall exist that an unauthorized change occurred and Staff shall make a finding that such a change did occur.

5. Advise the telecommunications company that it shall provide Staff with any other additional information requested by Staff within 10 business days of Staff's request.
 6. Conduct a review of the complaint and related materials to determine if an unauthorized change has occurred.
 7. Inform the subscriber, executing telecommunications company, alleged unauthorized telecommunications company and authorized telecommunications company of its findings upon conclusion of its review.
- C. If a party is dissatisfied with the Staff resolution, the party may appeal the decision in writing to the Director, Utilities Division within 10 business days of notification of resolution. An appeal shall be heard by an appointed Utilities Division Staff arbitrator.
- D. If the complainant is dissatisfied with the resolution of the complaint under this Section, or if the telecommunications company declines to follow the Staff arbitrator's resolution, the complainant may file a formal complaint pursuant to A.R.S. § 40-246.

R14-2-1911. Compliance and Enforcement

- A. A telecommunications company shall provide a copy of their records of subscriber verification and unauthorized changes maintained under the requirements of R14-2-1907 to Commission Staff upon request.
- B. If, after notice and Commission deliberation, the Commission finds that a telecommunications company is in violation of this Article, the Commission shall order the company to take corrective action as necessary, and the company may be subject to penalties of not more than \$7,500 for the first violation and not more than \$15,000 for each subsequent violation. After notice and hearing, a telecommunications company in violation of this Article may be sanctioned by a prohibition on further solicitation of new customers for a specified period, or revocation of its Certificate of Convenience and Necessity.
- C. In determining whether to impose a civil penalty, the amount of the civil penalty, suspension of services, or whether revocation of a Certificate of Convenience and Necessity is warranted, the Commission may consider any matter and evidence that it deems appropriate. The penalties prescribed in this Section are in addition to all other causes of action, remedies, and penalties provided under the law.
- D. The Commission shall coordinate its enforcement efforts regarding the prosecution of fraudulent, misleading, deceptive, and anti-competitive business practices with the Arizona Attorney General in order to ensure consistent treatment of specific alleged violations.

R14-2-1912. Waivers

- A. The Commission may waive compliance with any of the provisions of this Article upon a finding that such a waiver is in the public interest.
- B. Any affected telecommunications company may petition the Commission for a waiver of any of the provisions of this Article by filing an application for waiver, setting forth with specificity the waiver being sought and the circumstances whereby the public interest justifies a waiver.

ARTICLE 20. CONSUMER PROTECTIONS FOR UNAUTHORIZED CARRIER CHARGES

R14-2-2001	Definitions
R14-2-2002	Purpose and Scope
R14-2-2003	Application
R14-2-2004	Requirements for Submitting Authorized Charges
R14-2-2005	Authorization Requirements
R14-2-2006	Unauthorized Charges
R14-2-2007	Notice of Subscriber Rights
R14-2-2008	Complaint Process
R14-2-2009	Compliance and Enforcement
R14-2-2010	Waivers

R14-2-2001. Definitions

- A. "Authorized Carrier" means any telecommunications company that submits, on behalf of a subscriber, a change in the subscriber's selection of a provider of telecommunications service, with the subscriber's authorization verified in accordance with the procedures specified in these rules.
- B. "Complainant" means a subscriber who applies to the Arizona Corporation Commission for legal redress by filing an informal or formal complaint.
- C. "Cramming" means any recurring charge on a customer's telephone bill that was not authorized or verified in compliance with this section. This does not include one-time charges or taxes and other surcharges that have been authorized to be "passed-through" to the customer.
- D. "Customer" means the person or entity in whose name service is rendered, as evidenced by the signature on the application or contract for service, or by the receipt or payment of bills regularly issued in his name regardless of the identity of the actual user of service as defined by R14-2-501(9).
- E. "Customer Account Freeze" means an authorization, either written, electronic, or Internet with electronic signature authorization or third party verification, from a subscriber to impose a stay on any change in telecommunications services.
- F. "Slamming" means any change in a subscriber's presubscription to a telecommunications service subject to the jurisdiction of the Commission which is made without appropriate consent of the subscriber.
- G. "Subscriber" means the customer identified in the account records of a common carrier; any adult person authorized by such customer to change telecommunications services or to charge services to the account; or any person contractually or otherwise lawfully authorized to represent such customer.
- H. "Telecommunications Company" means a public service corporation, as defined in the Arizona Constitution, Article 15, § 2, that provides telecommunications services within the state of Arizona and over which the Commission has jurisdiction.

- I. "Unauthorized Charge" means a charge for services by a telecommunications company submitted to a subscriber which was not authorized by the subscriber in accordance with R14-2-2004.

R14-2-2002. Purpose and Scope

The provisions of this section are intended to ensure all customers in this state are protected from unauthorized charges on their bills from a telecommunications company.

R14-2-2003. Application

This section, including any references in this section to the requirements in 47 C.F.R. 64.1100 and 47 C.F.R. 64.1150 applies to each "telecommunications company" as that term is defined in A.A.C. R14-2-1102.15.

R14-2-2004. Requirements For Submitting Authorized Charges

- A. A telecommunications company, or its billing agent, shall meet all of the following requirements before submitting charges for any product or service billed on any customer's telephone bill:
1. The telecommunications company offering the product or service regulated by the Commission shall inform the subscriber of the product or service being offered, including all associated charges, and explicitly inform the subscriber that the associated charges for the product or service will appear on the subscriber's telephone bill;
 2. The telecommunications company offering the product or service, and any billing agent for the company, shall provide the subscriber with a toll-free telephone number the subscriber may call and an address to which the subscriber may write to obtain information regarding resolution of billing disputes.
 3. The telecommunications company offering the product or service, or its agent, shall provide the billing service provider with its name, postal address, telephone number, and a list with accurate descriptions of the products and services it intends to charge on a customer's bill so that any product or service being charged can clearly and easily be identified on the customer's bill.

R14-2-2005. Authorization Requirements

- A. A telecommunications company shall obtain and communicate the following information from a subscriber requesting a product or service:
1. Date of service request;
 2. Name and telephone number of the subscriber;
 3. Certification that subscriber is authorized to order the product or service;
 4. Explanation of each product or service offered;
 5. Explanation of all applicable charges;
 6. Explicit subscriber acknowledgement that the charges will be assessed on the customer's bill;
 7. Explanation of how a product or service can be cancelled;
 8. Description of how the charge will appear on the customer's bill; and
 9. Information on whom to call and a working, toll-free telephone number for subscriber inquiries.

- B.** A record shall be maintained by the service provider offering the product or service for a period of at least 12 months.

R14-2-2006. Unauthorized Charges

- A.** If a customer's telephone bill is charged for any unauthorized product or service, the billing telecommunications company, on its knowledge or upon notification of any unauthorized charge, shall:
1. Immediately cease charging the customer for the unauthorized product or service.
 2. Remove the unauthorized charge from the customer's bill within 45 days.
 3. Refund or credit to the customer all money paid by the customer for any unauthorized charge. If any unauthorized charge are not refunded or credited within 3 billing cycles, the telecommunications company shall pay interest on the amount of any unauthorized charge at an annual rate established by the Commission pursuant to A.A.C. R14-2-503(B)(3) until the unauthorized charge is refunded or credited.
 4. Provide the subscriber, upon request, all billing records under the control of the billing telecommunications company related to any unauthorized charge. The billing records shall be provided within 15 business days of the subscriber's request;
 5. Maintain for at least 12 months a record of every subscriber who has experienced any unauthorized charge for a product or service on the customer's telephone bill and has notified the billing provider of the unauthorized charge. The record for each unauthorized charge shall include:
 - a. The name of the telecommunications company that offered the product or service;
 - b. Any affected telephone number;
 - c. The date each subscriber requested that the billing provider remove the unauthorized charge from the customer's bill; and
 - d. The date the customer was refunded or credited any money that the customer paid for unauthorized charges.
- B.** After a charge is removed from the customer's telephone bill, it shall not be resubmitted for rebilling for past or future periods unless the subscriber and the service provider agree that the customer was accurately billed, or the Commission determines that the charge was authorized and is valid.
- C.** Unless a dispute regarding unauthorized charges is ultimately resolved against a subscriber, a billing telecommunications company shall not:
1. Suspend, disconnect, or terminate telecommunications service to any subscriber who disputes any billing charge pursuant to this Article or for nonpayment of an unauthorized charge; or
 2. File an unfavorable credit report against a subscriber who has not paid charges that the subscriber has alleged were unauthorized.
- D.** A billing telecommunications company shall hold only disputed charges in abeyance pending resolution of the dispute. The customer shall remain obligated to pay any charges that are undisputed.
- E.** The telecommunications company responsible for placing or submitting any unauthorized charge on a customer's bill shall:
1. Immediately cease billing upon notice from the subscriber or the billing provider that a charge for a product or service has not been authorized by the subscriber, and,

2. Maintain for at least 12 months a record for every disputed charge for a product or service on the customer's telephone bill. Each record shall contain:
 - a. Any affected telephone number or addresses,
 - b. The date the subscriber requested that the telecommunications company remove the unauthorized charge from the customer's bill.
 - c. The date the unauthorized charge was removed from the customer's bill.
 - d. The date that action was taken to refund or credit to the customer any money that the customer paid for the unauthorized charges.

R14-2-2007. Notice of Subscriber Rights

- A. Each telecommunications company shall provide to its subscribers a notice of the subscriber's rights regarding unauthorized changes and charges.
- B. The subscriber notice shall include the following:
 1. The name, address and telephone number where a subscriber can contact the telecommunications company.
 2. A statement that a telecommunications company is prohibited from adding products and services to a customer's telephone service without the subscriber's authorization.
 3. A statement that the telecommunications company is required to return the service to its original provisions if a subscriber has been crammed.
 4. A statement that the telecommunications company is required to pay all charges associated with returning the subscriber to their original provisions as promptly as reasonable business practices will permit but no later than 30 business days from the subscriber's request.
 5. A statement that the telecommunications company must refund to the customer any amount the customer paid for unauthorized charges as promptly as reasonable business practices will permit, but no later than 15 days from the subscriber's request.
 6. A statement that a subscriber who has been crammed should call the Arizona Corporation Commission to report the unauthorized charge.
 7. The name, address, web site address and telephone number of the Arizona Corporation Commission.
- C. Distribution, language and timing of notice
 1. A telecommunications company shall provide the notice described in this Section to new customers at the time service is initiated, and at any time upon subscribers request;
 2. Each telecommunications company that publishes a telephone directory shall print the notice described in this Section in the white pages of its next and all subsequent annual telephone directories.
 3. Each telecommunications company with a web site shall display the notice of subscriber's rights on the company's web site.
 4. The notice described in this Section shall be in both English and Spanish.

R14-2-2008. Complaint Process

- A. An informal complaint may be in writing, telephonically or electronically transmitted. Information should include:
 1. Complainant's name, address, telephone number and e-mail if possible;
 2. The names of the alleged unauthorized telecommunications company, the authorized telecommunications company and the executing telecommunications company;

3. The date of the alleged unauthorized change, if known;
 4. A statement of facts, including documentation to support the complainant's allegation;
 5. A statement of whether the complainant has paid any disputed charges; and,
 6. The specific relief sought.
- B.** Staff of the Arizona Corporation Commission shall:
1. Assist the complainant in resolving the complaint;
 2. Notify the telecommunications company of the alleged unauthorized charge;
 3. Request the telecommunications company to provide an initial response within 5 business days;
 4. Request that the telecommunications company provide documentation of the subscriber's new service or product request. Such information shall be provided to Staff within 10 business days of the initial notification or a valid presumption shall exist that an unauthorized charge occurred and Staff will make a finding that such an unauthorized charge did occur;
- C.** The telecommunications company shall provide Staff with any other additional information Staff requests within 10 business days of Staff's request.
- D.** Staff will conduct a review of the complaint and related materials to determine if an unauthorized charge has occurred.
- E.** Upon conclusion of its review, Staff will inform the subscriber and the telecommunications company of its findings.
- F.** In the event a party is dissatisfied with the Staff resolution, the party may appeal the decision within 10 business days. Such an appeal would be heard by an appointed Utilities Division arbitrator.
- G.** If the complainant is dissatisfied with the resolution of the complaint under this Section, or if the telecommunications company declines to follow the Staff arbitrator's resolution, the complainant may file a formal complaint under ARS § 40-246.

R14-2-2009. Compliance and enforcement

- A.** A telecommunications company shall provide a copy of records related to a subscriber's request for services or products to Commission Staff upon request.
- B.** If, after notice and Commission deliberation, the Commission finds that a telecommunications company is in violation of this Article, the Commission shall order the company to take corrective action as necessary, and the company may be subject to penalties of not more than \$7,500 for the first violation and not more than \$15,000 for each subsequent violation. After notice and hearing, a telecommunications company in violation of this Article may be sanctioned by a prohibition on further solicitation of services and products for a specified period, or Revocation of its Certificate of Convenience and Necessity.
- C.** In determining whether to impose a civil penalty, the amount of the civil penalty, suspension of services, or whether revocation of a Certificate of Convenience and Necessity is warranted, the Commission may consider any matter and evidence that it deems appropriate. The penalties prescribed in this Section are in addition to all other causes of action remedies and penalties provided under the laws of this state.
- D.** The Commission shall coordinate its enforcement efforts regarding the prosecution of fraudulent, misleading, deceptive, and anti-competitive business practices with the Arizona Attorney General in order to ensure consistent treatment of specific alleged violations.

R14-2-2010 Waivers

- A.** The Commission may waive compliance with any provision of this Article upon a finding that such a waiver is in the public interest.
- B.** Any affected telecommunications company may petition the Commission for a waiver by filing an application for waiver setting forth with specificity the waiver being sought and the circumstances whereby the public interest justifies a waiver.